

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ELEANOR SMITH, #217730,)	
)	
Petitioner,)	
)	
vs.)	CIVIL ACTION NO. 2:09cv425-WHA
)	(WO)
CYNTHIA S. WHEELER-WHITE, et al.,)	
)	
Respondents.)	

ORDER

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #2), filed on May 29, 2009. No timely objection has been filed by the Petitioner, although the court notes that the Petitioner filed an Application to Proceed Without Prepayment of Fees and Affidavit (Doc. #3) on June 5, 2009. No objection having been filed, and the court finding the Recommendation to be well taken, it is hereby

ORDERED that the court adopts the Recommendation of the Magistrate Judge, with the exception of that part of footnote 1 which pointed out that the Petitioner did not file a motion for leave to proceed *in forma pauperis*, and this case is TRANSFERRED to the United States District Court for the Northern District of Alabama, pursuant to the provisions of 28 U.S.C. § 2241(d).

DONE this 16th day June, 2009.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE